

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

215 Marketing, LLC, Jon Vogel, and Garrett Gillin

**DEFENDANTS**

Party Princess USA, LLC, Rothschild Enterprises, Inc. d/b/a Party Princess, Party Princess Productions, Morgan Henning

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Orange (California)

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Matthew P. Strauskulage  
Freunlich & Littman LLC  
1500 Walnut Street - Suite 206  
Philadelphia, PA 19102 (215) 545-8500

Attorneys (If Known)

Craig R. Tractenberg and Evan R. Luce  
Fox Rothschild LLP  
2000 Market Street - 20<sup>th</sup> Floor  
Philadelphia, PA 19103 (215) 299-2000**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sections 1332, 1441, 1446

Brief description of cause:

Contract

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 100,000+

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JS 44 Reverse (Rev. 07/16)

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use  
**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the  
**(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

215 MARKETING, LLC, et al.

v.

PARTY PRINCESS USA, LLC, et al.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (☒)

11/16/16  
Date

Craig Tractenberg  
Attorney-at-law

CRAIG TRACTENBERG  
Attorney for Defendants

215 444 7161

715 299 2150

CTRACATENBERG@FOXROTHSCHILD.COM

Telephone

FAX Number

E-Mail Address



FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1031 North 3rd Street, Unit 101, Philadelphia, PA 19123

Address of Defendant: 1420 N. Batavia Street, Orange, CA 92867 / 1099 18th St., Ste. 2600, Denver, CO 80202

Place of Accident, Incident or Transaction: Unclear

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☒ All other Diversity Cases  
(Please specify) Contract

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Evan R. Luce, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 11/17/16

[Signature]  
Attorney-at-Law

318956

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/17/16

[Signature]  
Attorney-at-Law

318956

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

215 MARKETING, LLC  
1031 N. 3rd Street, Unit 101,  
Philadelphia, PA 19123

-AND-

JON VOGEL  
1031 N. 3rd Street, Unit 101,  
Philadelphia, PA 19123

-AND-

GARRETT GILLIN  
1031 N. 3rd Street, Unit 101,  
Philadelphia, PA 19123

Plaintiffs,

vs.

PARTY PRINCESS USA, LLC  
1420 N. Batavia Street,  
Orange, CA 92867

1099 18th Street, Suite 2600,  
Denver, CO 80202

12567 West Cedar Drive  
Ste., 250, Lakewood, CO 80228

-AND-

ROTHSCHILD ENTERPRISES, INC.,  
d/b/a Party Princess Productions  
1420 N. Batavia Street,  
Orange, CA 92867

9200 Mineral Avenue, Ste 149,  
Centennial, CO 80112

-AND-

Case No.

Removed from the Court of Common Pleas of  
Philadelphia County, Pennsylvania  
October Term, 2016, No. 02802

PARTY PRINCESS PRODUCTIONS, )  
LLC )  
1420 N. Batavia Street, )  
Orange, CA 92867 )  
9200 Mineral Avenue, Ste 149, )  
Centennial, CO 80112 )  
-AND- )  
MORGAN HENNING )  
1420 N. Batavia Street, )  
Orange, CA 92867 )  
Defendants. )

**NOTICE OF REMOVAL**

Defendants Party Princess USA, LLC, Rothschild Enterprises, Inc., d/b/a Party Princess Productions, Party Princess Productions, LLC, and Morgan Henning (collectively "Defendants"), by and through counsel, Fox Rothschild LLP, files this Notice of Removal to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support of their Notice of Removal, Defendants state as follows:

1. On or about October 19, 2016, Plaintiffs 215 Marketing, LLC, Jon Vogel, and Garrett Gillin, (collectively "Plaintiffs") filed this lawsuit in the Court of Common Pleas, Philadelphia County, Pennsylvania (the "State Court Action"). (*See* Complaint, which constitutes the entirety of the process and pleadings below, a true and correct copy of which is attached hereto as Exhibit A).

2. In their Complaint, Plaintiffs allege various claims all stemming from a contract whereby Plaintiffs would provide marketing and consulting services to Defendants. (*See generally* Exhibit A).

3. Defendants were purportedly served on or about October 21, 2016; accordingly, this Notice of Removal is filed in compliance with the thirty day requirement of 28 U.S.C. §1446(b). Defendants have not appeared in the State Court Action.

4. "Except as otherwise expressly provided by act of Congress, any civil action brought in State court of which the district courts of the United States have original jurisdiction may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. §1441(a).

5. "The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states." 28 U.S.C. § 1332(a)(1).

6. Removal is permissible on the grounds of diversity jurisdiction. Complete diversity exists as Plaintiffs and Defendants are citizens of different states.

7. Plaintiffs are citizens of Pennsylvania only. The citizenship of a limited liability company is determined by the citizenship of its members. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). On information and belief, 215 Marketing, LLC's members reside in Pennsylvania, and do not reside in Colorado or California. (*See generally* Exhibit A at ¶ 1). Plaintiff Garrett Gillin is an individual who resides in Pennsylvania. *Id.* at ¶ 2. On information and belief, Jon Vogel is an individual who resides in Pennsylvania. *Id.* at ¶ 3. Thus, Plaintiffs are citizens of Pennsylvania.

8. Defendants are not citizens of Pennsylvania. Defendant Rothschild Enterprises, Inc., is a corporation registered under the laws of the State of Colorado with its principal place of business in California. Defendant Morgan Henning is an individual residing in California and is



a California citizen. Defendant Morgan Henning is the sole member of Defendant Party Princess USA, LLC, and Defendant Party Princess Productions, LLC. Therefore, Defendant Party Princess USA, LLC, and Defendant Party Princess Productions, LLC, are citizens of California. *Carden*, 494 U.S. at 195-96.

9. Because Plaintiffs' are Pennsylvania citizens, and because Defendants are citizens of California and Colorado, this is a suit between citizens of different states for purposes of 28 U.S.C. § 1332(a)(1) and (3).

10. In cases where a Plaintiff has not specified an amount in controversy, the removing defendant "need only plausibly allege, not detail proof of, the amount in controversy." *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct. 547, 550 (2014). This Court should not decline jurisdiction unless it appears "to a 'legal certainty' that the claim is really for less than jurisdictional amount." *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 33 U.S. 283, 289 (1938).

11. Plaintiffs claim losses in excess of \$100,000.00 and seek in "excess of fifty thousand dollars (\$50,000)" for eleven of Plaintiffs' thirteen claims plus "costs, delay damages, interest and other damages." Accordingly, the amount in controversy exceeds \$75,000.

12. Therefore, diversity jurisdiction exists pursuant to 28 U.S.C. § 1332(a)(1).

13. All Defendants named in this matter consent to this removal.

14. Defendants do not waive their right to assert a jurisdictional or venue challenge by filing this Notice of Removal.

15. Pursuant to 28 U.S.C. § 1446(d), promptly upon filing, Defendants shall file a Notice of Filing of Notice of Removal, with a copy of the Notice of Removal, with the Court of



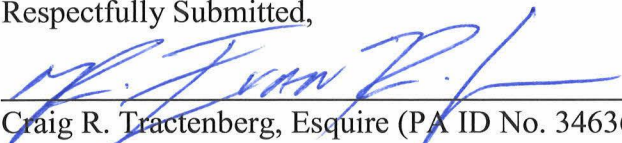
Common Pleas, Philadelphia County, Pennsylvania, and will serve a copy thereof on Plaintiffs through their counsel.

16. Based on the foregoing, this Court has original jurisdiction over this action based on the diversity of the Parties under 28 U.S.C. §1332. Therefore, the Court properly may exercise jurisdiction over this lawsuit. 28 U.S.C. §1441(a).

17. Should Plaintiffs seek to remand this case to State court, Defendants request that they be permitted to brief and argue the issue of removal prior to any order remanding this case. In the event the Court decides that remand is proper, Defendants asks that the Court retain jurisdiction and allow Defendants to file a motion asking this Court to certify any remand order for interlocutory review by the Third Circuit Court of Appeals pursuant to 28 U.S.C. §1292(b).

WHEREFORE, Defendants remove this action in its entirety from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Respectfully Submitted,



Craig R. Tractenberg, Esquire (PA ID No. 34636)

Evan R. Luce, Esquire (PA ID No. 318956)

FOX ROTHSCHILD LLP

2000 Market Street – 20<sup>th</sup> Floor

Philadelphia, PA 19103

(215) 299-2053

(215) 299-2150 (fax)

[ctractenberg@foxrothschild.com](mailto:ctractenberg@foxrothschild.com)

[eluce@foxrothschild.com](mailto:eluce@foxrothschild.com)

Dated: November 17, 2016

*Counsel for Defendants*

Of Counsel:

Harold R. Bruno, III, Esquire (pro hac vice admission to be sought)

ROBINSON WATERS & O'DORISIO, P.C.

1099 18<sup>th</sup> Street – Suite 2600  
Denver, CO 80202  
(303) 297-2600  
(303) 297-2750 (fax)  
[hbruno@rwolaw.com](mailto:hbruno@rwolaw.com)

# **EXHIBIT “A”**



Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**OCTOBER 2016****002802**

E-Filing Number: 1610041484

## PLAINTIFF'S NAME

215 MARKETING, LLC

## DEFENDANT'S NAME

PARTY PRINCESS USA, LLC

## PLAINTIFF'S ADDRESS

1031 N. 3RD STREET UNIT 101  
PHILADELPHIA PA 19123

## DEFENDANT'S ADDRESS

1420 N. BATAVIA STREET  
ORANGE CA 92867

## PLAINTIFF'S NAME

JON VOGEL

## DEFENDANT'S NAME

ROTHSCHILD ENTERPRISES, INC., ALIAS: PARTY  
PRINCESS PRODUCTIONS

## PLAINTIFF'S ADDRESS

1031 N. 3RD STREET UNIT 101  
PHILADELPHIA PA 19123

## DEFENDANT'S ADDRESS

1420 N. BATAVIA STREET  
ORANGE CA 92867

## PLAINTIFF'S NAME

GARRETT GILLIN

## DEFENDANT'S NAME

PARTY PRINCESS PRODUCTIONS, LLC

## PLAINTIFF'S ADDRESS

1031 N. 3RD STREET UNIT 101  
PHILADELPHIA PA 19123

## DEFENDANT'S ADDRESS

1420 N. BATAVIA STREET  
ORANGE CA 92867

## TOTAL NUMBER OF PLAINTIFFS

3

## TOTAL NUMBER OF DEFENDANTS

4

## COMMENCEMENT OF ACTION

☒ Complaint☐ Petition Action☐ Notice of Appeal☐ Writ of Summons☐ Transfer From Other Jurisdictions

## AMOUNT IN CONTROVERSY

☐ \$50,000.00 or less☒ More than \$50,000.00

## COURT PROGRAMS

☐ Arbitration☐ Jury☐ Non-Jury☐ Other:☐ Mass Tort☐ Savings Action☐ Petition☒ Commerce☐ Minor Court Appeal☐ Statutory Appeals☐ Settlement☐ Minors☐ W/D/Survival

## CASE TYPE AND CODE

10 - CONTRACTS OTHER

## STATUTORY BASIS FOR CAUSE OF ACTION

## RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED  
PROPROTHY**IS CASE SUBJECT TO  
COORDINATION ORDER?

YES

NO

**OCT 19 2016****M. BRYANT**

## TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: 215 MARKETING, LLC , JON VOGEL ,Papers may be served at the address set forth below. GARRETT GILLIN

## NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

MATTHEW P. STRAUSKULAGE

## ADDRESS

FREUNDLICH & LITTMAN LLC  
1500 WALNUT STREET  
SUITE 206  
PHILADELPHIA PA 19102

## PHONE NUMBER

(215) 545-8500

## FAX NUMBER

(215) 545-8510

## SUPREME COURT IDENTIFICATION NO

320568

## E-MAIL ADDRESS

matthew@freundlichandlittman.com

## SIGNATURE OF FILING ATTORNEY OR PARTY

MATTHEW STRAUSKULAGE

## DATE SUBMITTED

Wednesday, October 19, 2016, 03:41 pm